

IN THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TRACI PAYNE-WARREN ON §  
BEHALF OF THE ESTATE OF §  
JAMES R. PAYNE, DARRYL §  
PAYNE AND JAMES R. PAYNE, JR. §  
§  
*Plaintiff,* § CIVIL ACTION NO. 3:23-cv-00010  
§  
VS. §  
§  
PHH MORTGAGE CORPORATION §

*Defendants.*

**JOINT STIPULATION OF DISMISSAL**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiffs Traci Payne-Warren, on behalf of the Estate of James R. Payne, Darryl Payne, and James R. Payne Jr., and Defendant PHH Mortgage Corporation (collectively, “the Parties”) file this Joint Stipulation of Dismissal.

1. This case arises out of the attempted foreclosure by trustee sale of the property at **322 4<sup>th</sup> St. N. Texas City, 77590, Galveston County Texas.** The subject property now been refinanced and the dispute between the Parties is resolved. The Plaintiffs therefore, no longer seek to pursue this action.

2. The Plaintiffs and Defendant therefore file this JOINT STIPULATION OF DISMISSAL so this suit may be dismissed and removed from the Court’s docket.

Respectfully submitted,

**MEDEARIS LAW FIRM, PLLC**

By: /s/ David Medearis

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**ATTORNEY FOR PLAINTIFF,**

**TRACI PAYNE-WARREN ON BEHALF OF THE ESTATE  
OF JAMES R. PAYNE, DARRYL PAYNE AND JAMES R.  
PAYNE, JR.**

and

**MCGLINCHEY STAFFORD, PLLC**

By: /s/ Thomas W. White, Jr. (signed by permission)

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**ATTORNEY FOR DEFENDANT,**

**PHH MORTGAGE CORPORATION**

**CERTIFICATE OF SERVICE**

I hereby certify that on this March 8, 2023, a true and correct copy of the foregoing **Joint Stipulation of Dismissal** was served via electronic service and/ or facsimile and first-class mail and/ or certified mail to all counsel of record.

/s/ David Medearis  
DAVID M. MEDEARIS